

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

DAKOTA MASSI,

Plaintiff,

v.

LOWE'S HOME CENTERS, LLC.

Defendants.

Case No. 1:23-cv-00698-NODJ-CDB

ORDER ON STIPULATION REMANDING  
ACTION TO STATE COURT

(ECF No. 20)

On December 21, 2022, Plaintiff Dakota Massi ("Plaintiff") filed a complaint in the Superior Court of California for the County of Kern against Defendant Lowe's Home Centers, LLC ("Lowe's"). (ECF No. 1.). Plaintiff raised the following claims against Lowe's: (1) strict product liability, and (2) negligence. (ECF No. 1-1.). On May 5, 2023, Lowe's removed the action to this Court on the basis of diversity jurisdiction. (ECF No. 1.)

On November 14, 2023, the Court granted the parties' stipulated request to extend to Plaintiff leave to amend the complaint and add an additional defendant, Blue Rhino Inc., a California Corporation ("Blue Rhino"). (ECF Nos. 13, 14.) The following day, Plaintiff filed a first amended complaint against Lowe's and Blue Rhino. (ECF No. 15.)

Plaintiff and Lowe's now stipulate to remand the action to state court. (ECF No. 20.) Plaintiff and Lowe's note that with the addition of Blue Rhino as a defendant, there is no longer complete diversity of citizenship of the parties and remand of this matter to state court due to a

1 lack of subject matter jurisdiction is appropriate. (*Id.* at 2.) Accordingly, in light of the parties'  
2 stipulation and good cause appearing, IT IS HEREBY ORDERED:

- 3 1. This action is REMANDED to the Superior Court of California, County of Kern  
4 for further proceedings; and
- 5 2. All deadlines, dates, and events presently on calendar are vacated; and
- 6 3. The Clerk of Court is directed to close the case.

7 DATED: December 22, 2023.

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10 CHIEF UNITED STATES DISTRICT JUDGE  
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